

United States Patent Application

SUPPLEMENTAL DECLARATION of Stephen C. Schultz UNDER 37 C.F.R. § 1.63

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: LOW AMPLITUDE, HIGH SPEED POLISHER AND METHOD

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on: 3/19/2001 as application serial no. 06/812,655

I hereby state that I have previously reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. In a declaration filed on 3/19/2001 executed by me on 3/12/2001, my name was misspelled. This Supplemental Declaration is being filed to confirm the correct spelling of my name and to correct any deficiency that may have resulted from the misspelling.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below).

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Please direct all correspondence in this case to Laura J. Zeman at the address indicated below:

Snell & Wilmer, L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

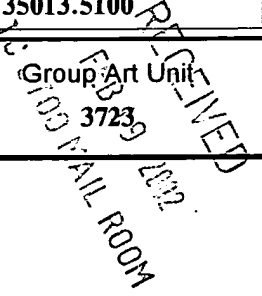
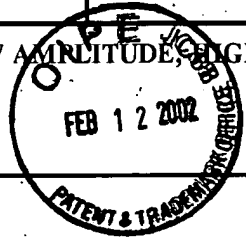
2	Full Name Of Inventor	Family Name Schultz	First Given Name Stephen	Second Given Name C.
0	Residence & Citizenship	City Gilbert	State or Foreign Country Arizona	Country of Citizenship USA
2	Mailing Address	Address 3753 E. Aspen Court	City Gilbert	State & Zip Code/Country Arizona 85234/USA
Signature of Inventor 202: <i>Stephen C. Schultz</i>				Date: 4/26/01

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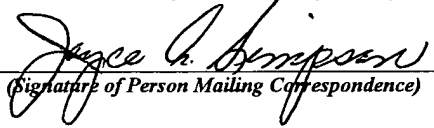
CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)			Docket No.
Applicant(s): Stephen C. Schultz et al.			35013.5100

Serial No. 09/812,655	Filing Date March 19, 2001	Examiner To Be Assigned	Group Art Unit 3723
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Invention: LOW AMPLITUDE, HIGH SPEED POLISHER AND METHOD



I hereby certify that this Supplemental Declaration of Stephen C. Schultz Under 37 C.F.R. 1.63
(Identify type of correspondence)
is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The
Commissioner of Patents and Trademarks, Washington, D.C. 20231-0001 on October 22, 2001
(Date)

Joyce A. Simpson
(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

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